IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WA.No. 2400 of 2006-E

AGAINST THE JUDGEMENT IN WP(C).24028/2005 Dated 16/08/2006

APPELLANT: PETITIONER:

1. B.SARALA, RATHEESH BHAVAN,
ATHINADU SOUTH, KATTILKADAVU, KOLLAM
(W/O.LATE. C.K.RAVINDRAN, EX.G.74551,
MT DRIVER, G.R.E.F.).

2. RATHEESHKUMAR.R., RATHEESH BHAVAN,
ATHINADU SOUTH, KATTILKADAVU, KOLLAM
(S/O. LATE. C.K.RAVINDRAN, EX.G.74551,
MT DRIVER, G.R.E.F.).

BY ADV. SRI.K.KARTHIKEYA PANICKER
SMT.DAYA K. PANICKER

RESPONDENTS: RESPONDENTS:

1. UNION OF INDIA REPRESENTED BY ITS
SECRETARY, MINISTRY OF PERSONNEL,
PUBLIC GIEVANCES AND PENSION, NEW DELHI.

2. THE COMMANDANT, G.R.E.F. CENTRE
(RECRUITING SECTION), DIGHI CAMP, PUNE- 411 015.

3. THE SECRETARY, BOARDER ROAD DEVELOPMENT
BOARD (BRBD), IVTH FLOOR, B-WING,
SENA BHAVAN, NEW DELHI.

4. THE DIRECTOR GENERAL,
GENERAL RESERVE ENGINEERING FORCE,
SEEMA SEDAK BHAVAN, RING ROAD, NEW DELHI.

BY ADV. SRI.JAYAPRADEEP. V., ADDL.CGSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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W.A.NO.2400 OF 2006

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DATED THIS THE 9TH DAY OF JANUARY 2007

JUDGMENT

Abdul Gafoor,J.

Heard counsel for the appellant and the standing counsel for the Union of India. It is the case of the appellants/writ petitioners that the employment assistance to the second appellant,son of the deceased driver in the Army service, was rejected. The father of the 2nd appellant died on 3-6-1994 and application for employment assistance was submitted on 25-12-2002. The reasons stated for the delay was that the 2nd appellant was a minor at the time of death of his father. He preferred application soon after he became major. It was rejected on the ground of the delay. This was challenged in writ petition, W.P.(C)NO.18609/2004 and this Court

quashed Ext.P4 letter on the finding that there was no justification to reject the application solely on the ground of delay in submitting the application and directed the authorities to consider the matter afresh. Thereafter Ext.P7 order was passed again rejecting the application on the ground of non-availability of enough vacancies and also on the ground of delay. The learned single Judge has found force in the submission on behalf of the appellants that the ground of delay urged in Ext.P7 was not justified. The learned single Judge taking note of the contents of Clause (k) in Ext.P7 found that the administration was justified in considering the candidates based on their turn included in the list prepared by the screening committee and that the 2nd appellant did not submit his details in the prescribed DD form, so that the screening committee could not consider his case. The learned single Judge also found that 100% of vacancies cannot be reserved for compassionate appointments

and administration was justified in reserving a quota and that already 136 candidates were awaiting appointments on compassionate grounds. So no appointment could have been given to the 2nd appellant. The writ petition was dismissed.

Any how rejection of his application on the ground of delay was earlier quashed. Necessarily he deserves consideration for appointment on compassionate grounds and his name also have to be included in the list of the candidates awaiting for compassionate appointments. Whether he will get appointment before he completes the age bar is a matter that may arise later. Any how equal consideration shall have to be shown to the 2nd appellant as well.

Accordingly, we are of the view that the 2nd appellant shall be allowed to submit his details in the prescribed DD form referred to in Clause (k) in Ext.P7 as he has already submitted the application immediately after he became major. If such form is

furnished within 15 days from today, the 4th respondent shall consider those details and include the name of the 2nd appellant in the list, on approval by the screening committee, so that he can be considered at the appropriate turn. The writ appeal is disposed of accordingly.

Sd/-

K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

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TRUE COPY

P.S.TO JUDGE

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ

W.A.NO. 2400 OF 2006-E

JUDGMENT

Date: 9-1-2007